

6 AUG 1971

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

SUBJECT :

Legislation of Concern to CIA

REFERENCES :

OLC Memoranda dated 21, 23 July 1971

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1. Pursuant to your request, this Office reviewed S. 2224, H.R. 9853, and S. 2290 and offers the following comments.

A. S. 2224. A bill to amend the National Security Act to keep Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the CIA and with analysis of such information by such Agency.

The bill would require CIA to make regular and special reports to the Committees on Armed Services, Foreign Affairs, and Foreign Relations regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security including full and current analysis by the Agency of such information. The Committees would be authorized to turn such data over to any Member of Congress who requests it, under rules established by the Committees, or to any officer or employee of the Congress provided he has the necessary clearances and has been designated by a Member of Congress to have access to the data.

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Excluded from automatic  
downgrading and  
declassification

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The bill, as proposed, appears to be so broad in scope as to permit wide distribution within Congress of intelligence data. Under these conditions, protection of sources and methods would become extremely difficult if not, in many cases, impossible. Much would depend upon the strictness of the Committees' rules on dissemination and the extent such rules are enforced.

**B. H.R. 9853.** A bill to establish a Commission on Information Protection and the National Security.

The Commission would study the classification, declassification, and reclassification policies of the Government as well as its policies covering access to and protection of information affecting the national security. It, therefore, would duplicate, in major part, the studies of the Rehnquist Committee. Presumably, however, its recommendations to Congress for legislative action it deems advisable would find easier going than any recommended by a committee composed solely of Executive Branch officials. It does, however, appear to be a cumbersome method to bring about changes in security policy.

**C. S. 2290.** A bill to establish a Joint Committee on National Security.

The Committee would be composed of 25 Members of Congress, including the Speaker of the House of Representatives, the Majority and Minority leaders of the Senate and House of Representatives, the Chairmen and ranking minority member of the Senate Committees on Appropriations, Armed Services, Foreign Relations, and the Joint Committee on Atomic Energy. The Chairmen and ranking minority members of the House Appropriations, Armed Services and Foreign Affairs Committees would be members, as would three unspecified (except as to Party) members each of the House and Senate. The latter six members would be appointed by the Speaker of the House and the President of the Senate.

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The Committee would seek to provide the Congress with an improved means for formulating legislation and providing for the integration of such policies which will further promote the security of the United States. It would make a continuing study of the foreign, domestic, and military policies of the United States with a view to determining whether and the extent to which such policies are being appropriately integrated in furtherance of the national security; it would study the recommendations and activities of the National Security Council and it would study Government practices and recommendations with respect to the classification and declassification of documents. In the latter area, it would make recommendations regarding procedures to be followed. The Committee would possess subpoena powers.

The wording of this legislation is not very precise, and the size of the Committee would not auger well for effective results nor for effective protection against unauthorized disclosures.

2. If any additional data are desired, please advise.

[Redacted]  
Howard J. [Redacted]  
Director of Security

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cc: [Redacted]

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Approved For Release 2002/05/23 : CIA-RDP83B00823R000800120034-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/05/23 : CIA-RDP83B00823R000800120034-0